

### **REMARKS**

The Office Action dated November 23, 2004, and the patents and publications cited therein have been carefully reviewed, and in view of the following remarks reconsideration and allowance of all the claims pending in the application are respectfully requested.

#### **The Rejection Based On Double Patenting**

Claims 1-22 stand provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-22 of copending U.S. Patent Application 10/664,295.

Applicant has submitted concurrently with this Response a Terminal Disclaimer To Obviate A Provisional Double Patenting Rejection Over A Pending "Reference" Application and a Fee Transmittal authorizing the Commissioner For Patents to debit a deposit account.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection.

#### **The Rejection Under 35 U.S.C. § 103(a) Over Budde In View of Boutaghou**

Claims 1 and 2 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Budde, U.S. Statutory Invention Registration H1424, in view of Boutaghou et al. (Boutaghou), JP 07-141804.

Applicant respectfully submits that the present invention according to either of claims 1 and 2 is patentable over Budde in view of Boutaghou. Applicant respectfully submits that the applied publications are not properly combinable to form a basis for rejection of these claims. Further, the device resulting from the proffered combination is not the present invention.

Contrary to the Examiner's statement, there simply is no suggestion in Budde or Boutaghou to modify the method as disclosed by Budde with the teachings from Boutaghou "to include sensing means that would provide indication of a disk-head interference". In particular, Budde discloses nothing regarding using a sensing means in conjunction with the transducer gimbal structure disclosed by Budde. While Boutaghou discloses a micro accelerometer, Boutaghou plainly does not disclose a sensor that provides an indication of a disk-head interference. Instead, the Boutaghou micro accelerometer is disclosed to measure an acceleration in the direction parallel with a medium surface. (See Boutaghou, Patent Abstracts of Japan, Constitution, lines 1-6.)

Thus, Applicant respectfully submits that the proffered combination of Budde and Boutaghou is formed by impermissible hindsight because neither Budde nor Boutaghou suggest the combination. Even if the proffered combination of Budde and Boutaghou is formed, the resulting device is not the present invention according to either of claims 1 or 2.

Regarding claim 1, neither Budde nor Boutaghou disclose or suggest the claimed laminated flexure that is coupled to the suspension load beam and that includes a head-disk interaction sensor outputting a sensor signal when the slider contacts a disk of a disk drive. In particular, Budde discloses a flexure 18 that is an integral structure with a load beam 12, rather than being produced as a separate structure that is subsequently attached to load beam 12. (See, for example, Budde column 2, lines 30-33; column 3, line 65, through column 4, line 1; column 6, lines 25-29; and the Abstract, lines 1-3.) Thus, Budde does not disclose or suggest a laminated flexure. Further, as admitted by the Examiner, Budde fails to teach a flexure having a

head-disk interaction sensor outputting a sensor signal when the slider contacts a disk of a disk drive. (See Office Action dated 11/18/2004, page 3, lines 15-16.)

Turning to Boutaghou, Boutaghou discloses nothing regarding a laminated flexure. Further, Boutaghou, at best, discloses a micro accelerometer is disclosed to measure an acceleration in the direction parallel with a medium surface. (See Boutaghou, Patent Abstracts of Japan, Constitution, lines 1-6.) Accordingly, the micro accelerometer disclosed by Boutaghou does not provide an indication of a disk-head interference.

Thus, Applicant respectfully submits that claim 1 is allowable over Budde in view of Boutaghou. It follows that claim 2, which incorporated the limitations of claim 1, is allowable over Budde in view of Boutaghou for at least the same reasons that claim 1 is considered allowable.

Claim 2 is allowable over Budde in view of Boutaghou for the additional reason that neither Budde nor Boutaghou disclose or suggest the claimed head-disk interaction sensor as an accelerometer sensing an acceleration of the flexure generated by the slider contacting the disk of the disk drive.

Thus, Applicant respectfully submits that it is only by impermissible hindsight that the Examiner is able to reject claims 1 and 2 based on the proffered combination. Neither of the applied publications provides a proper suggestion for combination, and even if they did, the device resulting from the proffered combination is simply not the claimed invention. It is only by the Applicant's disclosure that the Examiner can select particular features of Budde and Boutaghou to make the rejection.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claims 1 and 2.

**The Rejection Under 35 U.S.C. § 103(a) Over Budde In View of Kasiraj**

Claims 13-17, 19, 21 and 22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Budde in view of Kasiraj et al. (Kasiraj), U.S. Patent No. 5,777,815.

Applicant respectfully submits that the present invention according to any claims 13-17, 19, 21 and 22 is patentable over Budde in view of Kasiraj. Applicant respectfully submits that claim 1, the base claim of each of claims 13-17, 19, 21 and 22 is allowable over Budde. As demonstrated in connection with the rejection of claim 1, Budde does not disclose or suggest the claimed laminated flexure that is coupled to the suspension load beam and that includes a head-disk interaction sensor outputting a sensor signal when the slider contacts a disk of a disk drive, as required by claim 1. Additionally, Budde fails to teach a flexure having a head-disk interaction sensor outputting a sensor signal when the slider contacts a disk of a disk drive, as admitted by the Examiner. (See Office Action dated 11/18/2004, page 3, lines 15-16.) Moreover, Kasiraj does not cure the deficiencies of Budde with respect to claim 1.

Thus, claim 13 is allowable over Budde in view of Kasiraj. It follows that claims 14-17, 19, 21 and 22, which each incorporate the limitations of claim 1, are each allowable over Budde in view of Kasiraj.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claims 13-17, 19, 21 and 22.

**CONCLUSION**

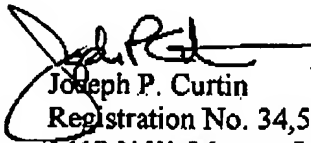
In view of the above arguments, it is urged that the present application is now in condition for allowance. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below.

A general authorization under 37 C.F.R. § 1.25(b), second sentence, is hereby given to credit or debit Deposit Account No. 50-2587 for the instant filing and for any other fees during the pendency of this application under 37 C.F.R. §§ 1.16, 1.17 and 1.18.

It is requested that this application be passed to issue with 1-22.

Respectfully submitted,

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